

a shroud covering a portion of said slider and at least the major portion of said fastener tracks;

weakening portions extending adjacent said fastener tracks severably joining said shroud to said side portions in preparation for removal of said shroud from the remainder of said reclosable flexible package; and

said shroud having side parts joined to said side portions by parts of said side seals which extend above said fastener tracks.

REMARKS

With entry of the above Amendment, claims 1, and 4-21 are now present in the application, claims 2 and 3 having been cancelled and new claim 21 having been added.

Claims 1-20 are rejected under 35 U.S.C. § 112, 2nd paragraph for a variety of reasons. With Amendment to claim 1 the location of the "fastener tracks" is believed to be clearly defined, as is the location of the "weakening portions". Claim 1 has been amended to recite that a portion of the slider is covered by the shroud and another portion of the slider is exposed by said at least one opening in said shroud. In claim 12 the change to – running – has been made as suggested. Claim 16 has been amended to more clearly define its cooperation with the side portions of the front and the rear panels. Accordingly, the rejection under 35 U.S.C. § 112, 2nd paragraph is believed to have been fully overcome.

Claims 1-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting. A timely filed Terminal Disclaimer reciting commonly owned co-pending application No. 09/837,694 (Attorney Docket No. 67286) accompanies this document. Accordingly, the provisional rejection of claims 1-20 is believed to have been fully overcome.

Claims 1, 2, 11-13 and 16-20 are rejected under 35 U.S.C. § 102(e) as anticipated by '607 – Buchman. Claim 1 has been amended, in part, to more clearly define applicants invention as having weakening portions including a line of weakness extending along the substantial entirety of the claimed fastener tracks. The weakening portions extend adjacent the fastener tracks, severably connecting the shroud to the side portions, a feature neither shown nor suggested in '607 – Buchman. Accordingly, the rejection under 35 U.S.C. § 102(e) is believed to have been fully overcome.

Claim 14 is rejected under 35 U.S.C. § 103(a) as unpatentable over '607 – Buchman. Claim 14 is believed to be patentable for the reasons set forth with respect to claim 1 from which it

depends and accordingly the rejection of claim 14 under 35 U.S.C. §103(a) is believed to have been fully overcome.

Independent claim 21 added by this Amendment calls for fastener tracks extending between (side) edges of front and rear panels having side portions with (their) edges joined together by a pair of side seals. Claim 21 calls for the side seals to be interrupted by the fastener tracks with the side seals forming gaps for respective ends of the fastener tracks. Claim 21 further calls for a shroud covering a portion of the slider and at least the major portion of the fastener tracks, the shroud having side parts joined to side portions of the front a rear panels by parts of the side seals which extend above said fastener tracks. Thus, both the shroud portion and side seals preserve the integrity of the end portions of the fastener tracks and in particular preserve the shape of stops formed in the ends of the fastener tracks in order to maintain the integrity of providing a positive stop for the slider, preventing its removal accompanied by travel beyond the fastener tracks. These claimed features are neither shown nor suggested in the '607 – Buchman patent. Accordingly, claim 21 is believed to be allowable.

With entry of the above Amendment, claims 1 and 4-21, all the claims now present in the application are believed to be allowable and an early allowance of the application is respectfully requested.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current Amendment. The page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

There are seven (7) total pages in this Amendment.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

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“VERSION WITH MARKINGS TO SHOW CHANGES MADE”

IN THE CLAIMS:

Claim 1 is amended as follows:

1. (Amended) A reclosable flexible package comprising:

opposed front and rear panels having side portions [sides and] joined together to form an interior and a package opening communicating with said interior;

first and second interlockable fastener tracks joined to said front and said rear panels at said package opening, configurable in an interlocked, closed position and an unlocked open position;

a slider movable along said fastener tracks to configure said tracks in said interlocked position so as to close said opening and to configure said fastener tracks in said unlocked position so as to allow access through said opening to said package interior;

said fastener tracks having opposed ends located adjacent said opposed sides of said front and said rear panels;

stops adjacent said ends of said fastener tracks to interfere with and prevent travel of said slider beyond said fastener tracks;

a side seal of pre-selected width joining together one side of said front and said rear panels;

a shroud covering a portion of said slider and at least the major portion of said fastener tracks;

weakening portions extending adjacent said fastener tracks severably connecting [for severing of] said shroud to said side portions in preparation for removal of said shroud from the remainder of said reclosable flexible package said weakening portions including a line of weakness extending along the substantial entirety of said fastener tracks; and

said shroud defining at least one opening for exposing another portion of said slider, said opening having an acute angle portion communicating with said weakening portion.

Claim 4 is amended as follows:

4. (Amended) The reclosable flexible package of claim 1 [2] wherein said line of weakness extends across substantially the entire extent of said reclosable flexible package.

Claim 12 is amended as follows:

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12. (Amended) The reclosable flexible package of claim 11 wherein said shroud further includes a side fin seal above said fastener tracks, in line with the side seal running [trunning] said front and said rear panels.

Claim 13 is amended as follows:

13. (Amended) The reclosable flexible package of claim 1 wherein said shroud is integrally formed with said side portions of said front and said rear panels, comprising monolithic portions of said front and said rear panels, divided by said side portions by said weakening portions.

Claim 14 is amended as follows:

14. (Amended) The reclosable flexible package of claim 1 wherein said shroud includes shroud panels separately formed and joined to said front and said rear panels by said weakening portions.

Claim 16 is amended as follows:

16. (Amended) The reclosable flexible package of claim 1 further comprising a peelable seal cooperating with the side portions to prevent [preventing] communication of said opening with said package interior.